

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**



TINA BONNEAU,

Plaintiff,

-vs-

STATE UNIVERSITY OF NEW YORK AT
BROCKPORT, PROFESSOR DEBRA FISH-
ER, PROFESSOR MELISSA BROWN, PRO-
FESSOR PHYLLIS KLODA, KAREN
LOGSDON and ASSISTANT DEAN VIRGINIA
BACHELER,

Defendants.

**DECISION AND ORDER
and
REFERRAL to UNITED STATES
MAGISTRATE JUDGE**

11-CV-6273-CJS

APPEARANCES

For Plaintiff:

Aaron David Frishberg, Esq.
Attorney for Plaintiff
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(212) 740-4544

For Defendants:

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NYS Attorney General's Office
Department of Law
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Siragusa, J. This civil rights case is before the Court on Plaintiff's motion for reconsideration, or, in the alternative, for amendment of the complaint. Notice of Motion, Jan. 13, 2014, ECF No. 19. At oral argument, defense counsel conceded that in view of the 2009 amendments to the Americans with Disabilities Act ("ADA") and the Rehabilitation Act, and considering the amendments to the regulations promulgated by the Equal Employment Opportunity Council pursuant to those two Acts, the Court should recon-

sider its dismissal of Plaintiff's claims made under the ADA and the Rehabilitation Act. Accordingly, the Court grants Plaintiff's motion to amend the complaint to the extent that the operative pleading now states causes of action against the State University of New York at Brockport under the ADA, the Rehabilitation Act, and for retaliation under the anti-retaliation provisions of the ADA and Rehabilitation Act. The individual defendants are dismissed from the action. Therefore, it is hereby

ORDERED, that Plaintiff's motion for reconsideration and to amend, ECF No. 19, is granted; it is further

ORDERED, that Plaintiff revise the proposed amended complaint to comply with this Decision and Order and file and serve the revised amended complaint by March 15, 2014; and it is further,

ORDERED, that the Clerk enter judgment for Professor Debra Fisher, Professor Melissa Brown, Professor Phyllis Kloda, Karen Logsdon and Assistant Dean Virginia Bachelor, who are all individually dismissed from the lawsuit; and it is further

ORDERED, that the Honorable Marian W. Payson, United States Magistrate Judge, is hereby designated to act in this case as follows:

Pursuant to 28 U.S.C. § 636(b)(A) and (B), all pre-trial matters in this case are referred to the above-named United States Magistrate Judge, including but not limited to (1) conduct of a scheduling conference and entry of a scheduling order pursuant to Rule 16, Fed. R. Civ. P.; (2) hearing and disposition of all non-dispositive motions or applications; (3) supervision of discovery; and (4) supervision of all procedural matters involving the aforementioned or involving the preparation of the case or any matter therein for consideration by the District Judge.

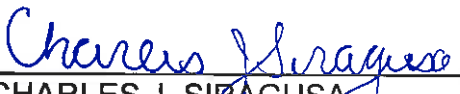
All motions or applications within the scope of this reference shall be filed with the Clerk and made returnable before the Magistrate Judge.

The parties are encouraged to consider the provisions of 28 U.S.C. §636(c) governing consent to complete disposition of the case (including trial, if necessary) by the Magistrate Judge. Instructions and forms for use under those provisions are available from the office of the Magistrate Judge or of the Clerk.

IT IS SO ORDERED.

Dated: March 4, 2014
Rochester, New York

ENTER:



CHARLES J. SIRAGUSA
United States District Judge